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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

CALIFORNIA PHYSICIANS' SERVICE
etc.,

Petitioner,

v.

THE SUPERIOR COURT OF LOS
ANGELES COUNTY,

Respondent;

RICHARD WHITE,

Real Party in Interest.

No. B209931

(Super. Ct. No. BC373066)

ORIGINAL PROCEEDING. Petition for Writ of Mandate. Joseph R. Kalin,
Judge. Petition granted.

Manatt, Phelps & Philips, LLP, Gregory N. Pimstone, Brad W. Seiling, Joanna S.
McCallum, and Travis A. Corder for Petitioner.

No appearance on behalf of Respondent.

No appearance on behalf of Real Party in Interest.

Defendant, Physicians' Service doing business as Blue Shield of California, is the claims administrator of Self Insured Schools of California. Plaintiff, Richard White, sued defendant when his claim for a cancer treatment was denied. After defendant's summary judgment motion was denied, it filed the present mandate petition. On October 3, 2008, we issued an alternative writ of mandate and no return was filed. We hold that defendant, as an agent and claims administrator, may not be held liable for the denial of benefits by Self Insured Schools of California. (*Shoemaker v. Myers* (1990) 52 Cal.3d 1, 24; *Sanchez v. Lindsey Morden Claims Services, Inc.* (1999) 72 Cal.App.4th 249, 253.)

The mandate petition is granted. Upon remittitur issuance, the respondent court is to enter a new order granting defendant's summary judgment motion. All parties are to bear their own costs incurred in connection with these extraordinary writ proceedings.

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TURNER, P. J.

We concur:

MOSK, J.

KRIEGLER, J.